

AMENDED IN ASSEMBLY JUNE 16, 2004

AMENDED IN SENATE APRIL 14, 2004

SENATE BILL

No. 1318

Introduced by Senators Burton and Alpert

(Coauthors: Assembly Members ~~Kehoe and Pavley~~ *Hancock, Jackson, Kehoe, Laird, Lieber, and Pavley*)

February 17, 2004

An act to add Sections 79574 and 79574.5 to the Water Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1318, as amended, Burton. Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002.

Existing law generally regulates activities relating to coastal and marine resources.

The Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 was an initiative measure approved by the voters at the November 5, 2002, statewide general election as Proposition 50. Proposition 50, among other things, provides bond funds for acquisition of land related to protection of water supplies, coastal watersheds, and beaches.

This bill would amend Proposition 50 to provide that ~~funds of the money allocated to the State Coastal Conservancy and to the Wildlife Conservation Board pursuant to Proposition 50, a total amount, not exceeding \$30,000,000 from the combined allocations, shall be available for appropriation by the Legislature to the Ocean Protection Council, for deposit in the California Ocean Protection Trust Fund, for~~ coastal watershed and wetland protection may be allocated as grants to

for grants, loans, and direct expenditure by the Ocean Protection Council, or grants and expenditures generally by the State Coastal Conservancy and the Wildlife Conservation Board, for projects to protect, conserve, and restore coastal waters and ocean ecosystems, as specified.

The Watershed, Clean Beaches, and Water Quality Act provides for a program of grants to public agencies and nonprofit organizations for projects, among other things, designed to improve water quality at public beaches.

This bill also would amend Proposition 50 to require that any expenditure by the State Water Resources Control Board, pursuant to Proposition 50 for projects that affect coastal watershed and coastal waters, shall be expended in a manner consistent with the provisions of the Watershed, Clean Beaches, and Water Quality Act, and the California Ocean Protection Act as proposed by SB 1319 of the 2003–04 Regular Session.

This bill would require that the provisions, which would amend Proposition 50, an initiative statute, be submitted to the voters for approval.

This bill would provide that it would be operative only if SB 1319 of the 2003–04 Regular Session is enacted and becomes effective on or before January 1, 2005.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The coastal waters offshore of the state and the ocean
4 ecosystems associated with those waters are natural resources that
5 the state holds in trust for the people of the state.

6 (b) It is the state's policy that all public agencies shall
7 administer the laws associated with protection and conservation of
8 coastal waters in accordance with the following principles:

9 (1) State decisions affecting coastal waters and the ocean
10 environment shall be designed and implemented to conserve the
11 health and diversity of ocean life and ecosystems, allow and
12 encourage those activities and uses that are sustainable, and



1 recognize the importance of aesthetic, educational, and
2 recreational uses.

3 (2) The ocean ecosystem is inextricably linked to activities on
4 land and all public agencies should consider the impact of
5 activities on land that may adversely affect the health of the coastal
6 and ocean environment.

7 (3) It is the state's policy to incorporate ecosystem perspectives
8 into the management of coastal and ocean resources, using sound
9 science, with a priority of protecting, conserving, and restoring
10 coastal and ocean ecosystems, rather than managing on a single
11 species or single resource basis.

12 (4) A goal of all state actions shall be to improve monitoring
13 and data gathering, and advance scientific understanding, to
14 continually improve efforts to protect, conserve, restore, and
15 manage coastal waters and ocean ecosystems.

16 (5) State and local actions that affect ocean waters or coastal or
17 ocean resources should be conducted in a manner consistent with
18 protection, conservation, and maintenance of healthy coastal and
19 ocean ecosystems and restoration of degraded ocean ecosystems.
20 State and local agencies should refrain from actions that would
21 cause harm to ocean and coastal ecosystems or impair the
22 restoration of coastal and ocean ecosystems.

23 SEC. 2. Section 79574 is added to the Water Code, to read:

24 ~~79574. (a) Of the money allocated pursuant to subdivision~~
25 ~~(a) of Section 79570, the State Coastal Conservancy may make~~
26 ~~grants pursuant to subdivision (c), and may make grants or~~
27 ~~expenditures pursuant to subdivisions (d) and (e).~~

28 ~~(b) Of the money allocated pursuant to Section 79572, the~~
29 ~~Wildlife Conservation Board may make grants pursuant to~~
30 ~~subdivision (c), and may make grants or expenditures pursuant to~~
31 ~~subdivisions (d) and (e).~~

32 ~~(c) Grants may be made to the Ocean Protection Council,~~
33 ~~established pursuant to Section 35600 of the Public Resources~~
34 ~~Code, and the funds granted shall be deposited by the Ocean~~
35 ~~Protection Council in the California Ocean Protection Trust Fund,~~
36 ~~established pursuant to Section 35650 of the Public Resources~~
37 ~~Code, for projects to protect and restore coastal waters and ocean~~
38 ~~ecosystems, including any of the following:~~

39 ~~(1) Acquisition, installation, and initiation of monitoring and~~
40 ~~enforcement systems.~~

~~(2) Acquisition from willing sellers of vessels, equipment, licenses, harvest rights, permits, and other rights and property, to reduce threats to ocean ecosystems and resources.~~

~~(3) Projects that foster sustainable fisheries, including development of more selective fishing gear, collaborative research and demonstration projects between those who fish commercially and scientists, promotion of value-added fisheries to offset economic losses attributable to reduced fishing opportunities, and the creation of revolving loan programs for the purpose of implementing sustainable fishery projects.~~

79574. (a) *Of the money allocated to the State Coastal Conservancy pursuant to subdivision (a) of Section 79570 and to the Wildlife Conservation Board pursuant to Section 79572, a total amount, not to exceed thirty million dollars (\$30,000,000) from the combined allocations, shall be available, upon appropriation by the Legislature, to the Ocean Protection Council, established pursuant to Division 26.5 (commencing with Section 35500) of the Public Resources Code, for deposit in the California Ocean Protection Trust Fund, established pursuant to Section 35650 of the Public Resources Code, for grants, loans, and direct expenditure by the Ocean Protection Council for projects and activities that do one or more of the following:*

(1) Eliminate or reduce threats to coastal and ocean ecosystems, habitats, and species.

(2) Foster sustainable fisheries, including development of more selective fishing gear, collaborative research and demonstration projects between persons who fish commercially and scientists, promotion of value-added fisheries to offset economic losses that are attributable to reduced fishing opportunities, and the creation of revolving loan programs for the purpose of implementing sustainable fishery products.

(3) Improve coastal water quality.

(4) Allow for increased public access to, and enjoyment of, ocean and coastal resources, consistent with sustainable, long-term protection and conservation of those resources.

(5) Improve management, conservation, and protection of coastal waters and ocean ecosystems.

(6) Provide monitoring and scientific data to improve state efforts to protect and conserve ocean resources.

1 (7) *Protect, conserve, and restore coastal waters and ocean*
2 *ecosystems, including any of the following:*

3 (A) *Acquisition, installation, and initiation of monitoring and*
4 *enforcement systems.*

5 (B) *Acquisition from willing sellers of vessels, equipment,*
6 *licenses, harvest rights, permits, and other rights and property, to*
7 *reduce threats to ocean ecosystems and resources.*

8 (8) *Address coastal water contamination from biological*
9 *pathogens, including collaborative projects and activities to*
10 *identify the sources of pathogens and develop detection systems*
11 *and treatment methods.*

12 (b) *Grants or loans may be made to private entities pursuant to*
13 *this section only for projects or activities that further public*
14 *purposes consistent with Sections 35510 and 35515 of the Public*
15 *Resources Code.*

16 (c) *The State Coastal Conservancy, using money allocated*
17 *pursuant to subdivision (a) of Section 79570, and the Wildlife*
18 *Conservation Board, using money allocated pursuant to Section*
19 *79572, may make grants or undertake projects for mapping.*

20 (d) *Grants or expenditures, or both, may be made for mapping,*
21 *planning, and research costs directly related to and required for the*
22 *effective implementation of projects to protect coastal waters and*
23 *ocean ecosystems-*

24 ~~(e) Grants or expenditures, or both, may be made for and for~~
25 *establishing revolving loan funds and other incentives to protect*
26 *coastal waters and ocean ecosystems.*

27 SEC. 3. Section 79574.5 is added to the Water Code, to read:
28 79574.5. An expenditure by the State Water Resources
29 Control Board, pursuant to this division, for projects that affect
30 coastal watershed or coastal waters shall be expended in a manner
31 consistent with the provisions of Division 20.4 (commencing with
32 Section 30901) of the Public Resources Code, and Division 26.5
33 (commencing with Section 35500) of the Public Resources Code.

34 SEC. 4. Sections 1, 2, and 3 shall not become operative until
35 approved by the voters. The Secretary of State is hereby directed
36 to place those provisions on the ballot of the next statewide
37 election for approval by the voters in accordance with applicable
38 provisions of law.

39 SEC. 5. This act shall become operative only if Senate Bill
40 1319, adding Division 26.5 (commencing with Section 35500) to

- 1 the Public Resources Code, is enacted and becomes operative on
- 2 or before January 1, 2005.

O

